IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 7TH NOVEMBER 2007 / 16TH KARTHIKA 1929

WP(C).No. 23662 of 2007(P)

OS.284/1987 of I ADDL.SUB COURT,TRIVANDRUM

PETITIONERS:

1. B.RADHA BAI, T.C.25/1056, SREEMOOLAM ROAD, THAMPANOOR, THIRUVANANTHAPURAM.

2. E.INDIRA BAI, T.C.25/1055, SREEMOOLAM ROAD, THAMPANOOR.

BY ADV. SRI.R.S.KALKURA
SRI.M.S.KALESH
SRI.HARISH GOPINATH
SRI.V.VINAY MENON

RESPONDENTS:

1. K.SUKUMARAN NAIR,SREEVIHAR,SAHODARA SAMAJAM ROAD, VANCHIYOOR, THIRUVANANTHAPURAM.

2. K.KUMARAN NAIR, T.C.20/1307,KMRA-49, MANGAD LANE, KARAMANA, THIRUVANANTHAPURAM.

3. K.SUKUMARAN NAIR, T.C.25/1056, SREEMOOLAM ROAD, THAMPANOOR, THIRUVANANTHAPURAM.

4. SUKUMARAN THAMPI, T.C. 25/1055, SREEMOOLAM ROAD, THAMPANOOR.

5. MANOHARA KUMARI,
W/O. LATE KARTHIKEYAN NAIR,SUKUMARA VILASOM,
SREEMOOLAM ROAD, THAMPANOOR,
THIRUVANANTHAPURAM.

6. MANOJKUMAR, S/O. K.KARTHIKEYAN NAIR,
SUKUMARA VILASOM, SREE MOOLAM ROAD,
THAMPANOOR, THIRUVANANTHAPURAM.

7. MANJULA, D/O. LATE K.K.KARTHIKEYAN NAIR
SUKUMARA VILASOM,SREEMOOLAM ROAD,
THAMPANOOR, THIRUVANANTHAPURAM.

8. K. KARTHIKEYAN NAIR,
S/O. KARTHIKEYAN NAIR,
SUKUMARA VILASOM,SREEMOOLAM ROAD,
THAMPANOOR, THIRUVANANTHAPURAM.

BY ADV. SRI.P.KESAVAN NAIR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Appendix

Petitioners' Exts.

Ext.P1 true copy of the preliminary decree dated 20.6.1989 in OS 284/1987.

Ext.P2 true copy of the judgment dated 12.12.2000 in AS 453/92 before the Hon'ble High Court of Kerala.

Ext.P3 true copy of the final decree application as IA 3071/01 in OS 284/89 on 17.8.2001.

Ext.P4 true copy of the objection to the application for final decree filed by the defendants 1 and 3.

Ext.P5 true copy of the commission application filed by the petitioners.

Ext.P6 true copy of the Commission report submitted in the suit in the final decree proceedings.

Ext.P7 true copy of the objection submitted by the respondent in the commission report.

Ext.P8 true copy of the hand written deposition of the commissioner.

Ext.P9 true copy of the commission application filed by the petitioners.

Ext.P10 true copy of the commission application filed by the respondents.

Ext.P11 true copy of the objection in commission application.

Ext.P12 true copy of the order dated 30.6.2007 in IA No.6154/06 in OS 284/1987

M.N.Krishnan, J.

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W.P(C).No.23662 of 2007

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Dated this the 7th day of November, 2007.

JUDGMENT

This Writ Petition is filed for a direction to the First Additional Sub Court, Thiruvananthapuram to pass a final decree in O.S.No.284 of 1987 and also to issue a writ of certiorari to quash Ext.P12. As per Ext.P12, the court below appointed a Commissioner to conduct the maintenance. Learned counsel appearing for both sides submitted before me that the final decree Commissioner has almost completed his work and there can be a direction to dispose of the final decree application itself and till that time, Ext.P12 order may be kept in abeyance. Though service is not complete in this Writ Petition, in the light of the submissions which I also feel is correct and reasonable, I am not posting the matter for further steps in the case and dispose of the Writ Petition as follows:

(1) Learned First Additional Sub Judge, Thiruvananthapuram is directed to dispose of the final decree

application in O.S.No.284 of 1987 as expeditiously as possible, within a period of three months from today after giving sufficient opportunity to the parties to adduce evidence or file objection to the Commissioner's report as the case may be, after it is being filed.

(2) Till the final decree application is considered and orders passed, the order passed under Ext.P12 may be kept in abeyance.

M.N.Krishnan,
Judge.

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